

REMARKS

Applicant has amended paragraph [00116] of the Specification to correct a typographical error. The Specification has been amended to include the ATCC Accession number. A copy of the ATCC deposit receipt is attached. Applicant has amended claims 1, 3-6, 11, 15, 21 and 23-28. Claim 29 has been added. Claims 8-10 have been canceled. These changes have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §§102(b), 103(a), and 112 rejections as set forth in the Office Action dated July 11, 2006. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections is respectfully requested.

The Examiner has objected to claims 1, 6, 23 and 24 for the inclusion of a blank. Applicant has amended claims 1, 6, 23 and 24 to include the ATCC Accession number. Withdrawal of this objection is respectfully requested.

The Examiner has objected to claim 1 for the omission of an "A" before "seed of a cotton line..". Applicant has amended claim 1. Withdrawal of this objection is respectfully requested.

The Examiner has objected to claim 4 for the omission of an "A" before "protoplasts produced from..". Applicant has amended claim 4. Withdrawal of this objection is respectfully requested.

The Examiner has objected to claim 21 for the inclusion of the phrase "..the cotton plant of claim 2 with a transgene encoding a protein selected from the group consisting of stearyl ACP desaturase,...". Applicant has amended claim 21. Withdrawal of this objection is respectfully requested.

The Examiner has rejected claims 1-28 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended claims 1, 6, 23 and 24 to include the ATCC Accession number. Additionally, the undersigned avers that:

- a) access to the invention will be afforded to the Commissioner during the pendency of the application;

- b) all restrictions upon availability to the public will be irrevocably removed upon the granting of a patent;
- c) the deposit will be maintained in a public depository for a period of 30 years or 5 years after the last request or for the enforceable life of the patent, whichever is longer;
- d) a test of the viability of the biological material at the time of deposit was performed; and
- e) the deposit will be replaced if it should ever become inviable or when requested by ATCC.

Accordingly, withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8-10 and 24-28 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled claims 8-10 and amended claims 24-28. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8-10 and claims 24-28 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has canceled claims 8-10 and has amended claims 24-28. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8-10 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Gebhardt et al (November 2004, U.S. Patent No. 6,815,584 B1). Applicant's attorney spoke with Examiner on September 22, 2006 and Examiner indicated that he intended to reference U.S. Patent No. 6,008,438 instead of U.S. Patent No. 6,815,584. Applicant has canceled claims 8-10. Withdrawal of this rejection is respectfully requested.

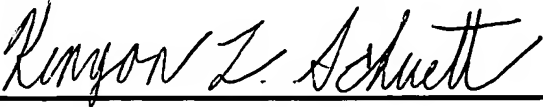
In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102(b), 103(a), and 112. Reconsideration of this application and an early notice of allowance are respectfully requested.

Application No. 10/807,869
Amendment dated September 26, 2006
Reply to Office Action dated July 11, 2006



BEST AVAILABLE COPY

Page 9

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324				
SIGNATURE			DATE	September 26, 2006	
Address	Jondle & Associates P.C. 858 Happy Canyon Road, Suite 230				
City	Castle Rock	State	CO	Zip Code	80108
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898

AMERICAN TYPE CULTURE COLLECT
10801 University Blvd.
Manassas, VA 20110-2209
Telephone: 703-365-2700
Fax: 703-365-2745

FACSIMILE

BEST AVAILABLE COPY



Date: October 26, 2005

To: Kenyon L. Schuett

Fax Number: 303-799-6898

From: ATCC Patent Depository Number of pages: 1 (Including this page)

REFERENCE: Patent Deposit

Description:

Cotton, *Gossypium hirsutum* (L.): PM 2168 RR assigned ATCC No. PTA-7132,
(Ref: Docket or Case No.: 1760-318)
Cotton, *Gossypium hirsutum* (L.): DP 6226 BG/RR Acala assigned ATCC No. PTA-7133,
(Ref: Docket or Case No.: 1760-338)
Cotton, *Gossypium hirsutum* (L.): 02X25R assigned ATCC No. PTA-7134,
(Ref: Docket or Case No.: 1760-298)
Cotton, *Gossypium hirsutum* (L.): 04Y170BR assigned ATCC No. PTA-7135,
(Ref: Docket or Case No.: 1760-335)
Cotton, *Gossypium hirsutum* (L.): 03X179R assigned ATCC No. PTA-7136,
(Ref: Docket or Case No.: 1760-334)
Cotton, *Gossypium hirsutum* (L.): 05X648DR assigned ATCC No. PTA-7137,
(Ref: Docket or Case No.: 1760-336)
Cotton, *Gossypium hirsutum* (L.): 05X494BR assigned ATCC No. PTA-7138, and
(Ref: Docket or Case No.: 1760-333)
Cotton, *Gossypium hirsutum* (L.): 02X71R assigned ATCC No. PTA-7139.
(Ref: Docket or Case No.: 1760-300)

Date of Deposit: October 6, 2005. The ATCC Certificate of Deposit will be forwarded to you within 30 days. Fees will be invoiced referencing the following check numbers: 312903, 312904, 312905, 312906, 312907, 312908, 312909 and 312910:

Total fees for PTA-7132 to PTA-7139 (storage/informing/viability testing)	\$20,000.00
Check No. 312903 through 312910	-\$20,000.00
Balance	\$0.00

Tanya Nunnally, Patent Specialist
ATCC Patent Depository

The information contained in this facsimile is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination or distribution, except to the intended recipient of this communication, is prohibited.

TOTAL P.01

10/26/2005 WED 13:56 [TX/RX NO 5036] 001